

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BETTY-JEAN BURNETT,

Plaintiff,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

Case No.: 4:11-cv-06326-YGR

**ORDER TO SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR FAILURE TO
SERVE OR PROSECUTE**

Plaintiff filed this action on December 14, 2011. (Dkt. No. 1.) Previous defendants Wells Fargo Bank, N.A. and NDeX West, LLC were dismissed without prejudice from this action on March 20, 2012 based on Plaintiff's failure to prosecute in response to a motion to dismiss. (Dkt. No. 18 (Order Dismissing Plaintiff's Complaint against Defendants Wells Fargo Bank, N.A. and NDEX West, LLC for Failure to Prosecute Action); *see also* Dkt. No. 22 (Judgment of Dismissal Without Prejudice).)

Defendants Kevin A. Harris and Harris Rosales & Harris remain in this action, but there is no indication that either party has been served. Pursuant to Federal Rule of Civil Procedure 4(m), a defendant must be served within 120 days from the date the lawsuit was filed. The 120 day deadline has now passed and it does not appear from the record that the remaining Defendants have been served.

For these reasons, Plaintiff Betty-Jean Burnett is **HEREBY ORDERED TO SHOW CAUSE** why this action should not be dismissed for failure to serve or prosecute. A hearing regarding why the Court should not dismiss this action shall be held on Friday, June 8, 2012 on the Court's 9:01a.m.

1 calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, in a courtroom to be
2 designated.

3 Plaintiff must file a written response to this Order to Show Cause, if she contests it, and must
4 personally appear on June 8, 2012. Plaintiff's failure to file a written response or to appear personally
5 will be deemed an admission that no good cause exists to continue prosecuting this action and the case
6 will thereafter be dismissed.

7 **IT IS SO ORDERED.**

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9 Dated: April 24, 2012

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11 YVONNE GONZALEZ ROGERS
12 UNITED STATES DISTRICT COURT JUDGE
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